

House File 2086 - Introduced

HOUSE FILE 2086

BY FISHER

A BILL FOR

1 An Act relating to the taking of nuisance animals on property
2 outside of city limits.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 481A.38A Nuisance animals.

2 1. Prior permission is not required for an owner or tenant
3 of a property outside the limits of a city, or an agent of
4 the owner or tenant, to take, capture, kill, or temporarily
5 possess, for the purpose of destroying or disposing of, a
6 wild animal on the curtilage of the property if the owner
7 or tenant in good faith deems the animal to be a nuisance.
8 This section does not apply to animals listed pursuant to the
9 federal Endangered Species Act or listed as endangered by
10 the commission pursuant to section 481B.3. For purposes of
11 this section, "curtilage" means mowed areas of a yard around
12 an occupied residence or agricultural outbuildings in close
13 proximity to the occupied residence, including areas fenced for
14 animal husbandry around agricultural outbuildings and household
15 gardens, but excluding pastures, fields, orchards, and similar
16 agricultural open areas that are not in close proximity to an
17 occupied residence.

18 2. All nuisance animals and all parts thereof taken as
19 provided in subsection 1 shall be disposed of on the site or
20 shall be relinquished to a representative of the commission.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to the taking of nuisance animals on
25 property outside of city limits. An owner or tenant of a
26 property outside of city limits may take, capture, kill, or
27 temporarily possess a wild animal on the curtilage of the
28 property if the owner or tenant in good faith deems the wild
29 animal to be a nuisance. The bill does not apply to animals
30 listed in the federal Endangered Species Act or listed as
31 an endangered species by the natural resource commission
32 (commission). "Curtilage" is defined as a mowed area around
33 the occupied residence or agricultural outbuildings in close
34 proximity to the occupied residence, including fenced animal
35 husbandry areas and household gardens near the occupied

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1 residence. Open areas such as pastures, fields, and orchards
2 not in close proximity to the occupied residence are not
3 considered curtilage.

4 All fur-bearing nuisance animals taken pursuant to the bill
5 shall be disposed of on the property or shall be relinquished
6 to a representative of the commission.